

# EXHIBIT 1

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

--oOo--

WAYMO LLC,

Plaintiff,

Case

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

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VIDEOTAPED DEPOSITION OF ALEXANDER (SASHA) ZBROZEK

VOLUME II

WEDNESDAY, SEPTEMBER 6, 2017

Reported by:

Anrae Wimberley

CSR No. 7778

Job No. 2693569

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1	BY MR. GONZALEZ:	14:21:19
2	Q. And you would assume that when these	14:21:20
3	engineers accessed it, they would download the entire	14:21:24
4	database because that's how it was programmed; true?	14:21:27
5	MR. BAKER: Objection to form.	14:21:28
6	THE WITNESS: That is very packed and not really	14:21:31
7	true.	14:21:32
8	BY MR. GONZALEZ:	14:21:32
9	Q. What part of it is not really true?	14:21:36
10	A. There's no such thing as automatic with	14:21:38
11	regard to access to the Subversion server.	14:21:42
12	Q. What does that mean?	14:21:44
13	A. Servers are programmed or designed to provide	14:21:49
14	answers to requests. And every request is at the	14:21:53
15	behest of the user. The user determines what that	14:21:57
16	request is going to be, and nothing more and nothing	14:22:00
17	less is provided.	14:22:02
18	Q. But you drafted the protocol for signing on	14:22:07
19	to the SVN server, didn't you?	14:22:10
20	A. I wrote some general instructions for getting	14:22:13
21	started.	14:22:14
22	Q. And as you testified at your last deposition,	14:22:16
23	if people follow your instructions, the entire	14:22:20
24	database gets downloaded; true?	14:22:23
25	MR. BAKER: Objection to form.	14:22:24

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1	A. I believe so.	15:10:19
2	Q. And those are your words?	15:10:21
3	MR. BAKER: Objection to form.	15:10:22
4	THE WITNESS: I believe so.	15:10:24
5	BY MR. GONZALEZ:	15:10:24
6	Q. "It also has a chilling effect on being a	15:10:27
7	hardware engineer. We all do full checkouts."	15:10:32
8	Do you see that?	15:10:33
9	A. I do see that.	15:10:34
10	Q. And what did you mean when you wrote the	15:10:37
11	words "We all do full checkouts"?	15:10:39
12	A. I meant that this was an expected work flow	15:10:47
13	as a result of instructions and that -- well, as part	15:10:57
14	of this paragraph and the rest of it and beyond that,	15:11:00
15	I was expressing concern that I didn't want to make	15:11:03
16	doing a normal part of our job functions seem	15:11:08
17	suspicious.	15:11:09
18	Q. And the instructions that you're referring to	15:11:12
19	there are instructions that you wrote; correct?	15:11:14
20	A. There may have been some minor edits, but,	15:11:20
21	yeah, overall this does look like what I wrote.	15:11:23
22	Q. And, in fact, the very last page of this	15:11:25
23	document, those are your instructions; right?	15:11:27
24	A. Yeah. Again, there may have been minor edits	15:11:32
25	from when I wrote it, but, largely, this is what I	15:11:35

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1	team asked you for the SVN installation instructions,	15:24:22
2	and you sent it to them?	15:24:25
3	MR. BAKER: Objection to form.	15:24:25
4	THE WITNESS: I don't know.	15:24:30
5	BY MR. GONZALEZ:	15:24:30
6	Q. Do you recall that you explained to the legal	15:24:32
7	team what you've told us here in deposition, which is	15:24:35
8	that somebody following your instructions would	15:24:38
9	download the entire repository?	15:24:41
10	MR. BAKER: Objection to form.	15:24:42
11	THE WITNESS: I don't remember.	15:24:45
12	BY MR. GONZALEZ:	15:24:45
13	Q. Isn't that something important that you would	15:24:47
14	have wanted to tell them, knowing that they were	15:24:50
15	investigating Mr. Levandowski for these downloads?	15:24:53
16	MR. BAKER: Objection to form.	15:24:54
17	THE WITNESS: Ascribing importance or guiding the	15:24:57
18	investigation were outside of my purview.	15:25:00
19	BY MR. GONZALEZ:	15:25:00
20	Q. Did the lawyers ask you -- after you sent	15:25:03
21	them the typical installation flow that you drafted,	15:25:07
22	the last page of this exhibit, did they ask you to	15:25:10
23	explain it?	15:25:11
24	A. I don't remember.	15:25:16
25	Q. Did they ask you, well, if somebody followed	15:25:19

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1 What does that represent? 15:59:10

2 A. So Subversion is a revision control system. 15:59:13

3 And every time a commit is made, the revision of the 15:59:18

4 repository is incremented. And so each one of these 15:59:24

5 files corresponds -- each one of these GET requests 15:59:28

6 corresponds to a file made or uploaded to the server 15:59:34

7 at a certain revision number. 15:59:36

8 And so, you know, this file was on Revision 15:59:40

9 12486, the file below it, also 12486, the file below 15:59:48

10 that, also 12486. So all of these revision numbers 15:59:55

11 are generally pretty high. So this would indicate 15:59:58

12 that this is a more incremental checkout, so an update 16:00:02

13 of a previously existing -- of a previously existing 16:00:05

14 checkout as opposed to a fresh checkout. 16:00:09

15 Q. The date of February 22, 2016, what does that 16:00:13

16 represent? Is that when you asked for the 16:00:17

17 information? 16:00:18

18 A. No. That should be the date of the request 16:00:25

19 by the client on behalf of this user to the server. 16:00:31

20 Q. So that on February 22, 2016, Gaetan asked -- 16:00:37

21 made some kind of request? 16:00:40

22 A. That seems quite likely. 16:00:43

23 Q. And same question I asked you about Anthony. 16:00:46

24 If Gaetan had been following your directions, 16:00:50

25 is this printout consistent with what happened? 16:00:54

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1 MR. BAKER: Objection to form. 16:00:58

2 THE WITNESS: That's a little bit -- that's a 16:01:01

3 little bit difficult to answer. So following my 16:01:05

4 directions, the directions assume a starting from 16:01:10

5 scratch. They're a getting started guide. It doesn't 16:01:14

6 look like Gaetan was getting started, but it's a 16:01:18

7 little bit hard to conclude, particularly from this 16:01:21

8 snippet. It is possible, but not likely. 16:01:33

9 BY MR. GONZALEZ: 16:01:33

10 Q. Is there anything that you see here on these 16:01:36

11 four pages that, in your opinion, is abnormal for 16:01:40

12 someone who's accessing this repository? 16:01:44

13 MR. BAKER: Objection to form. 16:01:45

14 THE WITNESS: On these four pages, I don't see 16:01:48

15 anything that is abnormal for Gaetan in his role. 16:01:52

16 BY MR. GONZALEZ: 16:01:52

17 Q. Did you review the complaint that was filed 16:01:55

18 in this case? 16:01:56

19 A. What? 16:01:57

20 Q. The lawsuit, it's called a complaint. 16:02:02

21 Technical term. 16:02:03

22 Did you read it? 16:02:05

23 A. I've not read the formal complaint. 16:02:07

24 Q. Did anybody ask you for your opinion on it? 16:02:11

25 MR. BAKER: You can answer that yes or no, Sasha. 16:02:14

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1 FEDERAL CERTIFICATE OF DEPOSITION OFFICER  
2 I, ANRAE WIMBERLEY, CSR NO. 7778, do hereby  
declare:

3 That, prior to being examined, the witness named  
in the foregoing deposition was by me duly sworn  
4 pursuant to Section 30(f)(1) of the Federal Rules of  
Civil Procedure and the deposition is a true record of  
5 the testimony given by the witness;

That said deposition was taken down by me in  
6 shorthand at the time and place therein named and  
thereafter reduced to text under my direction;

7 ----- That the witness was requested to  
8 review the transcript and make any changes to the  
transcript as a result of that review pursuant to  
9 Section 30(e) of the Federal Rules of Civil Procedure;

----- No changes have been provided by the  
10 witness during the period allowed;

11 ----- The changes made by the witness are  
12 appended to the transcript;

--X--- No request was made that the transcript  
13 be reviewed pursuant to Section 30(e) of the Federal  
14 Rules of Civil Procedure.

I further declare that I have no interest in the  
15 event of the action.

16 I declare under penalty of perjury under the laws  
17 of the United States of America that the foregoing is  
true and correct.

18 WITNESS my hand this 7th day of September, 2017.  
19  
20  
21  
22  
23

24 <%signature%>

25 ANRAE WIMBERLEY, CSR NO. 7778